

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,

Plaintiff,

V.

R. MORENO, et al.,

## Defendants.

Case No. 1:21-cv-00327-ADA-EPG (PC)

ORDER FOLLOWING DISCOVERY  
DISPUTE HEARING HELD ON NOVEMBER  
10, 2022

(ECF Nos. 74, 77, 86, 87, & 102)

On November 10, 2022, the Court held a discovery dispute hearing. Plaintiff telephonically appeared on his own behalf. Counsel C. Hay-Mie Cho, Joseph Railey, and Chad Stegeman telephonically appeared on behalf of Defendants. Counsel Lucas Hennes telephonically appeared on behalf of third parties North Kern State Prison and California Department of Corrections and Rehabilitation Archives Unit.

After reviewing the filings by the parties and hearing oral arguments, and for the reasons stated on the record, IT IS ORDERED that:<sup>1</sup>

1. Defendants' motion to compel Plaintiff's deposition (ECF No. 74) is GRANTED, and Plaintiff is required to submit to a deposition.
2. Plaintiff's motion for a protective order/request for stay of deposition (ECF No. 77) is GRANTED in part and DENIED in part.
  - a. Plaintiff's objections regarding timing and not having received certain

<sup>1</sup> The Court also addressed Plaintiff's motion to compel production of documents (ECF No. 92), which involved, in part, an objection based on the official information privilege. The Court will issue a separate order addressing this motion to compel.

1 documents are overruled.

2 b. Defense counsel may question Plaintiff regarding Plaintiff's commitment  
3 offense itself, the duration of the sentence related to Plaintiff's commitment  
4 offense, and the Rules Violation Report related to the incident at issue in  
5 this case.

6 c. In all other respects, Plaintiff's request for a protective order is granted.  
7 Questioning of Plaintiff during his deposition should not go into further  
8 detail regarding Plaintiff's criminal history, history of arrests, or unrelated  
9 Rules Violation Reports.

10 3. Plaintiff's motion to compel answers to admissions from defendant Moreno (ECF  
11 No. 86) is GRANTED in part and DENIED in part.

12 a. As to defendant Moreno's supplemental response to request for admission  
13 No. 12, Plaintiff's motion is granted insofar as, within thirty days,  
14 defendant Moreno must specify, as he did on the record, that he conducted  
15 a reasonable inquiry, that he located no such documents, and that to his  
16 knowledge there were no other searches.

17 b. As to defendant Moreno's supplemental response to request for admission  
18 No. 14, Plaintiff's motion is granted in that, within thirty days, defendant  
19 Moreno may supplement and/or clarify the response.

20 c. As to defendant Moreno's supplemental response to request for admission  
21 No. 24, Plaintiff's motion is granted in that, within thirty days, defendant  
22 Moreno must specify the efforts that were undertaken and what was (or  
23 was not) found.

24 d. As to defendant Moreno's supplemental response to request for admission  
25 No. 25, Plaintiff's motion is denied.

26 e. In all other respects, Plaintiff's motion is denied.

27 4. Plaintiff's motion to compel defendant Dohs to respond to interrogatories and  
28 verify his responses (ECF No. 87) is GRANTED in part and DENIED in part.

- 1 a. As to defendant Dohs' response to Plaintiff's first set of interrogatories,  
2 interrogatory No. 9, Plaintiff's motion is denied.
- 3 b. As to defendant Dohs' response to Plaintiff's first set of interrogatories,  
4 interrogatory No. 10, Plaintiff's motion is denied.
- 5 c. As to defendant Dohs' response to Plaintiff's second set of interrogatories,  
6 interrogatory No. 1, Plaintiff's motion is denied.
- 7 d. As to defendant Dohs' response to Plaintiff's second set of interrogatories,  
8 interrogatory No. 4, Plaintiff's motion is granted. Defendant Dohs has  
9 thirty days to respond to this interrogatory.
- 10 e. As to defendant Dohs' response to Plaintiff's second set of interrogatories,  
11 interrogatory No. 5, Plaintiff's motion is granted. Defendant Dohs has  
12 thirty days to respond to this interrogatory.
- 13 f. As to defendant Dohs' response to Plaintiff's second set of interrogatories,  
14 interrogatory No. 11, Plaintiff's motion is denied.
- 15 g. As to Plaintiff's request that defendant Dohs be required to verify his  
16 responses, as defendant Dohs has now done so, Plaintiff's request is denied  
17 as moot.
- 18 h. As to Plaintiff's request for sanctions for failing to verify his responses, it  
19 is denied because defendant Dohs responded by verifying his responses  
20 and Plaintiff has not presented any evidence of sanctionable conduct.
- 21 i. As to Plaintiff's request for expenses, it is denied.

- 22 5. Plaintiff's motion to compel defendant Valencia to respond to interrogatories and  
23 verify his responses (ECF No. 102) is GRANTED in part and DENIED in part.
  - 24 a. As to defendant Valencia's response to Plaintiff's first set of  
25 interrogatories, interrogatory No. 6, Plaintiff's motion is denied.
  - 26 b. As to defendant Valencia's response to Plaintiff's first set of  
27 interrogatories, interrogatory No. 16, Plaintiff's motion is denied.
  - 28 c. As to defendant Valencia's response to Plaintiff's first set of

1 interrogatories, interrogatory No. 17, Plaintiff's motion is granted.

2 Defendant Valencia has thirty days to respond to this interrogatory.

3 d. As to Plaintiff's request that defendant Valencia be required to verify his  
4 responses, as defendant Valencia has now done so, Plaintiff's request is  
5 denied as moot.

6 6. A further conference to discuss outstanding discovery disputes will be held on  
7 November 16, 2022, at 1:30 p.m. To appear telephonically, each party is to use  
8 the following dial-in number and passcode: Dial-in number 1-888-251-2909;  
9 Passcode 1024453. Plaintiff's institution of confinement shall make Plaintiff  
10 available for the conference at the date and time indicated above. Prior to the  
11 conference, defense counsel shall confirm with Plaintiff's institution of  
12 confinement that arrangements have been made for Plaintiff's attendance.

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14 IT IS SO ORDERED.

15 Dated: November 15, 2022

16 /s/ *Eric P. Groj*  
17 UNITED STATES MAGISTRATE JUDGE

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